



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region08

Ref: 8ENF-W-UFO

JUL 13 2017

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Denee DiLuigi, Esq.
Noble Energy, Inc.
1625 Broadway, Suite 2200
Denver, Colorado 80202

Re: Supplemental Request for Information Pursuant to Section 308 of the Clean Water Act;
NRC Report No. 1139387

Dear Ms. DiLuigi:

The U.S. Environmental Protection Agency is requesting additional information regarding the discharge of condensate that occurred at a tank battery located in NESE, Sec 20, T 5N, R 66W, Weld County, Colorado (NRC Report No. 1139387). As part of the EPA's investigation, and pursuant to its authority granted by section 308 of the Clean Water Act (CWA), 33 U.S.C. § 1318, the EPA asks that Noble Energy, Inc. (the Company) provide additional information related to the above-referenced discharge as requested in this letter.

Please send the requested information no later than thirty days of your receipt of this letter, along with the enclosed certification, to:

U.S. Environmental Protection Agency, Region 8
Donna Inman (8ENF-W-WO)
1595 Wynkoop Street
Denver, Colorado 80202-1129

The Company's response to this request must be accompanied by a certificate that is signed and dated by someone who is authorized by the Company to respond to this request. The certification must state that the response is complete and contains all information and documentation responsive to this request that is available to the Company. A sample Statement of Certification is enclosed. The Company must also correct or supplement its response to this request upon learning that the information it has provided is not accurate or complete.

The Company may claim that the EPA should treat any of the requested information as confidential. To make such a claim, the Company will need to place on or attach to the information, at the time it is submitted to the EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." In addition, to make such a claim, the Company will need to follow the procedures in 40 C.F.R. part 2, subpart B (as promulgated at 41 Fed. Reg. 36902 on Sept. 1, 1976, 43 Fed. Reg. 39997 on Sept. 8, 1978, and 50 Fed.

Reg. 51654 on Dec. 18, 1985). If the Company makes a confidentiality claim, the EPA will disclose the information covered by the Company's claim only as allowed by 40 C.F.R. part 2, subpart B. Making a confidentiality claim, however, does not guarantee that the EPA will agree that the information is entitled to confidential treatment. If the Company does not make such a claim when it submits the information to the EPA, the EPA may make the information available to the public without notifying the Company. Note that emissions information is not considered confidential under section 114(c). **The Company is required to provide the requested information even if it claims that the information is confidential.**

It is very important that the Company respond to this request for information. Failure to provide required information could result in civil penalties of up to \$52,414 per day of violation, and even harsher criminal consequences are possible in the case of deliberate false statements. *See* 33 U.S.C. § 1319; *see also* 18 U.S.C. § 1001.

This information request is exempt from the approval requirements of the Paperwork Reduction Act, 44 U.S.C. §§ 3501–3521.

If there are questions concerning this information request, you may contact Abigail Dean, Enforcement Attorney, at 303-312-6106 or dean.abigail@epa.gov.

Thank you for your cooperation and attention to this matter.

Sincerely,



James H. Eppers, Supervisory Attorney
Regulatory Enforcement Unit
Legal Enforcement Program



Kenneth Champagne, Unit Chief
Wetlands and OPA Enforcement Unit
Technical Enforcement Program

Enclosures

1. Supplemental Request for Information
2. Statement of Certification Form

bcc: Donna K. Inman, 8ENF-UFO
Abigail Dean, 8ENF-L

Instructions

1. Please provide a separate narrative response to each and every question and subpart of a question set forth in this Supplemental Request for Information.
2. Precede each answer with the number of the question to which it corresponds.
3. If the question is not applicable to the incident, please indicate N/A and state why the question is not applicable.
4. If information or documents not known or not available to you as of the date of submission of a response to this Supplemental Request for Information should later become known or available to you, you must supplement your response to the EPA. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is false or misrepresents the truth, you must notify the EPA of this fact as soon as possible and provide the EPA with a corrected response.
5. For each document produced in response to this Supplemental Request for Information, indicate on the document, or in some other reasonable manner, the number of the question to which it corresponds.
6. The terms “and” and “or” shall be construed either disjunctively or conjunctively, as necessary, to bring within the scope of this Supplemental Request for Information any information which might otherwise be construed to be outside its scope.
7. All questions asked in the past tense should be interpreted to apply to the present as well as the past.
8. The Statement of Certification must be signed by a responsible official of the owner or operator.
9. If you wish to assert a business confidentiality claim pursuant to the regulations set forth in 40 C.F.R. Part 2 covering any portion of the information submitted, you must assert such claim at the time you submit your response. You may assert such claim by including a stamped or typed notice employing language such as “Company Confidential,” “Trade Secret,” “Proprietary,” etc. If the EPA determines the information you have designated meets the criteria in 40 C.F.R. Part 2, § 2.208, the information will be disclosed only to the extent and by means of the procedures specified in 40 C.F.R. Part 2, Subpart B. Unless a confidentiality claim is asserted at the time the requested information is submitted, the EPA may make the information available to the public without further notice to you.

Definitions

The following definitions shall apply to the following words as they appear in the questions:

1. The terms “you,” “your” or “the Company” shall mean the addressee of this Supplemental Request for Information, the addressee’s officers, managers, employees, contractors, trustees, partners, successors, assigns, and agents.
2. The term “describe” shall mean provide in detail all information you are aware of that may relate in any way to the information, person, or document referenced.
3. The terms “document” and “documents” shall mean any writing, recording, or stored information, and includes, but is not limited to, writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration, and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, cancelled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum of telephone and other conversations, including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, fax, email, report, notice, message, analysis, comparison, graph, chart, interoffice or intra-office communications, photostat or other copy of any documents, microfilm or other film record, any photograph, sound recording or any type of device, any punch card, disc or disc pack; any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc, or disc pack, tape or other type of memory and together with printouts of such punch card, disc, or disc pack, tape or other type of memory); and, (a) every copy of each document which is not an exact duplicate of a document which is produced, (b) every copy which has any writing, figure or notation, annotation or the like on it, (c) drafts, (d) attachments to or enclosures with any document, and (e) every document referred to in any other document.
4. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate, in the context of a particular question or questions.
5. The term “discharge” includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping, but excludes discharges in compliance with a permit under section 402 of the CWA.
6. The term “facility” shall mean “any mobile or fixed, onshore or offshore building, property, parcel, lease, structure, installation, equipment, pipe, or pipeline (other than a vessel or a public vessel) used in oil well drilling operations, oil production, oil refining, oil storage, oil gathering, oil processing, oil transfer, oil distribution, and oil waste treatment, or in which oil is used, as described in Appendix A to this [Part 112]. The boundaries of a facility depend on several site-specific factors, including but not limited to, the ownership or operation of buildings, structures, and equipment on the same site and types of activity at the site.

Contiguous or non-contiguous buildings, properties, parcels, leases, structures, installations, pipes, or pipelines under the ownership or operation of the same person may be considered separate facilities. Only this definition governs whether a facility is subject to this part.”

7. The term “identify” means, with respect to a natural person, to set forth the person’s name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
8. The term “identify” means, with respect to a corporation, limited liability company, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership), organization, if any, and a brief description of its business.
9. The term “identify” means, with respect to a document, to provide its customary business description, its date, its number, if any (invoice or purchase order number), the author and recipient(s), and to describe the substance or the subject matter.
10. The term “oil” means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil.
11. The terms “owner” and “operator” mean any person owning or operating an onshore facility or an offshore facility, and in the case of any abandoned offshore facility, the person who owned or operated or maintained the facility immediately prior to such abandonment.
12. The term “person” includes an individual, firm, corporation, association, or partnership.
13. The term “sheen” means an iridescent appearance on the surface of water.
14. The term “sludge” means an aggregate of oil or oil and other matter of any kind in any form other than dredged spoil having a combined specific gravity equivalent to or greater than water.
15. The terms “Spill Prevention, Control, and Countermeasure Plan,” “SPCC Plan,” or “Plan” means the document required by 40 C.F.R. § 112.3 that details the equipment, workforce, procedures, and steps to prevent, control, and provide adequate countermeasures to a discharge.
16. The term “Request for Information” means the EPA’s Request for Information Pursuant to Sections 308 and 311 of the Clean Water Act (NRC Report No. 1139387), dated June 21, 2016.
17. The term “Response” means Noble Energy, Inc.’s Response to Request for Information Pursuant to Sections 308 and 311 of the Clean Water Act (NRC Report No. 1139387), dated August 8, 2016.

18. The term "Supplemental Request for Information" means the enclosed supplemental request for information, pursuant to section 308 of the Clean Water Act.
19. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in Section 311 of the Clean Water Act, 33 U.S.C. § 1321, or the regulations found at 40 C.F.R. Part 110, in which case the statutory or regulatory definitions shall apply.

SUPPLEMENTAL REQUEST FOR INFORMATION

1. List the name, address, and telephone number of the individual answering this Supplemental Request for Information, and describe that individual's relationship to the Company (*e.g.* employee, contractor).
2. Provide the manual gauging and inflow and outflow records for Tank 6748028 for the two years prior to the discharge associated with NRC Report No. 1139387.
3. Provide any written analyses of the cause of the discharge associated with NRC Report No. 1139387.
4. Provide any Lease Walk-Through or other inspection records for the tanks and secondary containment associated with Tank 6748028 from January 1, 2015, through February 28, 2016.
5. Provide all sampling data collected since April 5, 2016, as part of the remediation activities related to the discharge associated with NRC Report No. 1139387.
6. Provide or identify all of the information that the Company relied upon for its Response to Question No. 16, Subpart k of the Request for Information.
 - a. The EPA has obtained information showing that there are constructed water outflows from St. Michaels Reservoir. Provide any information to support the Company's assertion in its Response to Question No. 16, Subpart k of the Request for Information that there is "no discernible outlet for water to leave SMR"
 - b. Provide any information to support the Company's assertion in its Response to Question No. 16, Subpart k of the Request for Information that ". . . a pipeline appears to run under SMR that transports irrigation water that has not yet entered SMR to a historical open, unlined ditch that ultimately connects to Ashcroft Draw . . . A control box further acts to bypass SMR through the use of a wasteway to deliver water to the north of SMR through another pipe to Ashcroft Draw, avoiding SMR entirely."

Noble Energy, Inc.

**Response to Supplemental Request for Information Pursuant to Section 308 of the
Clean Water Act**

Statement of Certification

I certify under penalty of law that this response and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations.

Signature

Date

Printed Name

Official Title